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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/747,937	12/27/2000	Steven D. Curtin	CURTIN 16	3480
47396	7590	10/01/2008	EXAMINER	
HITT GAINES, PC			SHIBRU, HELEN	
LSI Corporation			ART UNIT	
PO BOX 832570			PAPER NUMBER	
RICHARDSON, TX 75083			2621	
			NOTIFICATION DATE	DELIVERY MODE
			10/01/2008	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

docket@hittgaines.com

Office Action Summary

Application No.

09/747,937

Applicant(s)

CURTIN, STEVEN D.

Examiner

HELEN SHIBRU

Art Unit

2621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 July 2008.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
4a) Of the above claim(s) 2,4,8,10,12,13,15,17,19,20 and 22 is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1,3,5,6,7,9,11,14,16,18 and 21 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

DETAILED ACTION

Election/Restrictions

1. Applicant's election without traverse of species 1 in the reply filed on 07/07/2008 is acknowledged. Applicant elected claims 1-22 and stated claims 1-22 are read on figure 1. However claims 2, 4, 8, 10, 12-13, 15, 17, 19-20, and 22 are withdrawn from further consideration as being drawn to a nonelected species. Claims 4, 12 and 19 read on figure 2, and claims 2, 8, 10, 13, 15, 17, 20 and 22 read on figure 3 (see also paragraph 0036 of the present Application PG PUB specification). On the Office Action mailed on 04/04/2008, Applicant was advised that the reply to the restriction requirement must include identification of the claims encompassing the elected species, including any claims subsequently added. However Applicant failed to elect the corresponding claims that read on the elected species, figure 1. Therefore the restriction is now made final. Applicant has the right to file a divisional application.

Response to Arguments

2. Applicant's arguments with respect to claims 1, 3, 5, 6, 7, 9, 11, 14, 16, 18, and 21 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1, 3, 5, and 7 are rejected under 35 U.S.C. 102(e) as being anticipated by Kurihara et al. (US Pat. No. 6,442,108).

Regarding claim 1, Kurihara discloses an electronic write protect apparatus for storage media (see figure 2) comprising:

at least one record element for writing information to a given magnetic storage media (see figure 2, recording and tape 15);

a pre-existing electronic information signal detection element (the CPU performs the process shown in figure 6 which includes S1-6) to read a pre-existing electronic information signal (the pre-existing electronic signal is previously recorded data, audio, song title, or count) stored on said given magnetic storage media (see figure 6, CPU determine if the tape is blank or not, i.e. CPU determines whether or not previously recorded audio data (pre existing signal) can be found in the tape),

a record circuit to allow recording on said given magnetic storage media when said pre-existing electronic information signal detection element detects no pre-existing electronic information signal stored on said given magnetic storage media (see S1-7 in figure 6, col. 5 lines 35-57 where Kurihara discloses when the tape is found blank, the audio data, song title, or count are recorded).

Regarding claim 3, Kurihara discloses at least one record element is attached to a spinning element (see figure 2, components 15, 27, 29 and 30).

Regarding claim 5, Kurihara discloses pre-existing electronic information signal detection element is attached to said spinning element (see figure 2, components 15, 26, and 27).

Regarding claim 7, Kurihara discloses storage media stores digital information (see col. 4 lines 37-40).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 6, 9, 11, 14, 16, 18, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kurihara et al. (US Pat. No. 6,442,108) in view of Official Notice.

Regarding claim 9, Kurihara discloses an electronic write protect method for storage media comprising: attempting to record information on a given tape placed in a cassette player (see figure 6); detecting a pre-existing signal from the said given tape (see rejection of claim 1 and figure 6 where Kurihara discloses detecting a signal recorded on the tape to determine if the tape is blank or not); and deactivating a record circuit in the said cassette player based on detection of pre-existing video signal already recorded on the said given tape (see figure 2, figure 6, S1-06 and S1-13, when the tape is not blank, the data is not recorded at the selected position).

Claim 9 differs from Kurihara in that the claim further requires the pre-existing signal is a video signal. Although Kurihara does not specifically disclose the tape records/recorded video data, Kurihara discloses an audio data recorded on the tape. Official Notice is taken that it is well known in the art at the time the invention was made to record video signal in tape. Therefore it

would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kurihara by adding a video signal in the tape in order to record moving image data.

Regarding claim 6, Kurihara discloses the said given magnetic storage media is a video tape (see figure 2 and col. 3 lines 34-39, and also rejection of claim 9 above).

Claim 11 is rejected for the same reason as discussed in claim 3 above.

Claim 14 is rejected for the same reason as discussed in claim 7 above.

Regarding claim 16, the limitation of claim 16 can be found in claim 9 above. Therefore claim 16 is analyzed and rejected for the same reasons as discussed in claim 9.

Claim 18 is rejected for the same reason as discussed in claim 3 above.

Claim 21 is rejected for the same reason as discussed in claim 7 above.

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to HELEN SHIBRU whose telephone number is (571)272-7329. The examiner can normally be reached on M-F, 8:30AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, THAI Q. TRAN can be reached on (571) 272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/HELEN SHIBRU/
Examiner, Art Unit 2621
September 24, 2008

/Thai Tran/
Supervisory Patent Examiner, Art Unit 2621